

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Draft, Subject to Change

Meeting Date:	<u>March 26, 2013</u>	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Regular
		<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Public Hearing
Department					
Submitted By:	<u>Department of Public Safety</u>				
Submitted For:	<u>Consumer Affairs Division</u>				

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on April 16, 2013, at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinance No. 2008-43, amended by Ordinance No. 2011-007, amended by Ordinance No. 2011-032, amended by Ordinance No. 2011-040, amended by Ordinance No. 2012-009, and amended by Ordinance No. 2013-003); relating to taxicabs and other vehicles for hire, to be known as the Vehicle for Hire Ordinance; amending Section 19-213 (Definitions); amending Section 19-214 (Compliance with article required); amending Section 19-218 (Business permit application); amending Section 19-220 (Vehicle requirements); amending Section 19-221 (Vehicle decal requirements); amending Section 19-226 (Commercial automobile liability insurance); amending Section 19-227 (Driver requirements; failure to comply); amending Section 19-235 (Start-up), providing for Repeal of laws in conflict; providing for a Savings clause; providing for Severability; providing for Inclusion in the Code of Laws and Ordinances; providing for Captions; and providing an Effective date.

Summary: The proposed Ordinance amendments require the Vehicle for Hire Industry to enhance and expand the quality and kinds of services currently offered to Palm Beach County residents and visitors - some new requirements taking effect on June 1, 2013, and others within the next two to five years. Staff discussed all of the proposed amendments with the industry at the last VFH advisory committee meeting and all of the revisions received a unanimous or a majority approval vote. **Countywide (PGE)**

Background and Policy Issues: On May 25, 2011, the Board imposed a moratorium on new VFH business permit applications. The moratorium is scheduled to expire on June 1, 2013. The purpose of the moratorium was to allow staff to study the industry, while developing requirements that would standardize the quality of service and safety of vehicles among the numerous licensed VFH companies in the County - more in line with the PBIA RFP requirements. Many, but not all of the airport requirements have been incorporated into the proposed ordinance revisions, such as a dress code for drivers, acceptance of credit cards by taxi and van/shuttle companies, handicap accessibility by taxi and van/shuttle companies, and a single insurance policy under the company name for all registered vehicles and drivers. Other proposed amendments not stemming from the airport RFP affecting new companies only, include an initial new business application fee, a minimum fleet requirement, and a PBC office location. In addition, the proposed amendments eliminate a VFH broker (an agent that does not own its own vehicles), increase the business transfer, sale, or change of ownership fee, and hold the company responsible for its drivers' compliance with ordinance regulations. The League of Cities has been notified of the proposed amendments and it is anticipated by Staff that the League will have no opposition to the proposed amendments. Enforcement of this Ordinance is funded entirely through license fees.

Attachments:

- 1) Executive Summary of Proposed Changes
- 2) Vehicle for Hire Summary Overview
- 3) Proposed Ordinance revisions (with delineations)
- 4) Proposed Ordinance revisions (without delineations)

Recommended by:	<u>Vivian J. Benvenuto</u>	<u>3/19/13</u>
	Department Director	Date
Approved By:	<u>Vivian J. Benvenuto</u>	<u>3/19/13</u>
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	<u>0</u>	_____	_____	_____	_____

ADDITIONAL FTE

POSITIONS (Cumulative) 0 0 0 0 0
Is Item Included In Current Budget? Yes _____ No X

Budget Account Exp No: Fund _____ Department _____ Unit _____ Object _____
Rev No: Fund _____ Department _____ Unit _____ Object _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The fiscal impact is indeterminable at this time.

C. Departmental Fiscal Review: Stephane Sejroke

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB Contract Dev. and Control

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

EXECUTIVE SUMMARY OF PROPOSED CHANGES

NEW REQUIREMENTS for all TAXI, SEDAN, SUV, LIMOUSINE, VAN/SHUTTLE AND NON-EMERGENCY MEDICAL TRANSPORTATION COMPANIES

- An application fee for new companies will be established in the amount of \$10,000 plus existing applicable VFH Business Permit and Vehicle Decal fees ***(To Be effective June 1, 2013)***
- All new companies must have an office location in Palm Beach County ***(To be effective June 1, 2013 for new companies ; existing companies have been grandfathered in and are exempt from this requirement)***
- All new Limousine and Non Emergency Medical transportation companies shall have a minimum of 2 vehicles. ***(To be effective June 1, 2013; existing companies are exempt from this requirement)***
- All new Taxi, Sedan, SUV and Van/Shuttle companies shall have a minimum of 7 vehicles. ***(To be effective June 1, 2013; existing companies are exempt from this requirement)***
- A dress code for all drivers will be established as follows: Hygienically clean, well groomed and neat in appearance. Collared shirt, long trousers or knee length skirt and closed shoes. ***(To be effective June 1, 2013 for all companies)***
- All Taxi companies will be required to accept payment options from passengers in the following forms ***(To be effective June 1, 2013 for new companies; existing companies will have until June 1, 2016 to implement)***:
 - Bank debit/credit card
 - Cash
- Any Taxi / Van / or Shuttle companies with twenty (20) or more vehicles shall have at least one (1) handicapped accessible vehicle available, and the company shall not discriminate in their rates and fees. ***(To be effective June 1, 2013 for new companies; existing companies will have until June 1, 2018 to implement)***
- A TRANSFER, SALE OR CHANGE OF OWNERSHIP FEE will be established in the amount \$500 ***(To be effective June 1, 2013 for all companies)***
- No Vehicle for Hire Business Permits will be issued to Brokers. ***(To Be effective June 1, 2013)***
- All VFH companies shall be responsible for their drivers' compliance with all VFH Ordinance regulations. ***(To be effective June 1, 2013)***
- Within 30 days of the infraction, all companies shall be required to provide any citations, fines, or penalties imposed against the company or drivers for failure to comply with any laws, regulations. This includes incidents that involve DUI, sale and/or possession of controlled substances, and driver license suspensions/revocations. ***(To be effective June 1, 2013)***
- All companies will be required to maintain the current ordinance and state statute minimum insurance requirements which are \$100,000 per person/\$300,000 per occurrence/\$50,000 property damage, and the company shall provide and maintain one insurance policy under the company name for all registered vehicles and drivers. ***(To Be effective June 1, 2013)***
- All companies will be required to meet the current VFH Ordinance for vehicle age and maintenance requirements which are as follows: a vehicle cannot be used if the vehicle is older than 10 years and if older than seven(7) years or exceeds 500,000 miles, the vehicle will be required to pass a bi-annual inspection by a ASE certified mechanic. ***(To Be effective June 1, 2013)***

VEHICLE FOR HIRE PROPOSED CHANGES



SUMMARY OF ISSUES

- The moratorium that began on May 25, 2011, is scheduled to expire on June 1, 2013. The moratorium was established to reduce the number of vehicle for hire (VFH) companies in Palm Beach County (PBC). The overall perception and general consensus was that low licensing fees combined with an “open entry” system in PBC helped to create an excessive number of taxis and sedans.
- Upon direction of the Board of County Commissioners (BCC), the Moratorium has allowed staff sufficient time to work with the VFH Committee to develop additional regulations, methods, and procedures that can be used to address the issues with the VFH industry.
- At the public hearing on May 15, 2012, the BCC directed staff to evaluate and compare the VFH Ordinance minimum requirements so that it could parallel Palm Beach County International Airport (PBI) RFP requirements within the next **five years**.
- The higher quality standards and service requirements will apply to all VFH transportation companies. The main goal is to focus on public safety, improved service quality and vehicle safety. The new standards will raise the bar and create a VFH industry in Palm Beach County that is appealing to PBC residents, visitors, tourists and business travelers.

IMPACT OF THE MORATORIUM

Type of Company	Number of Companies at the beginning of the Moratorium (May 30, 2011)	Number of Companies A/O March 1, 2013	Increase or Reduction in Number of Companies	Vehicles operating at the beginning of the Moratorium (May 30, 2011)	Vehicles currently operating A/O March 1, 2013	Increase or Reduction in Number of Vehicles
Taxi	89	79	-10 = 11%	521	638	+ 117 = 22%
Sedan/SUV	384	357	- 27 = .07%	1068	1279	+211 = 20%
Limousine	54	42	- 12 = 22%	184	176	-8 = -.04%
Van/Shuttle	45	47	+2 = .04%	223	274	+51 = 23%
Non-emergency Medical Transp.	29	22	-7 = - 24%	118	105	-13 = - 11%
TOTALS	601	547	-54 = .09%	2114	2,472	+358 = 17%



IMPROVING VEHICLE FOR HIRE INDUSTRY SAFETY AND SERVICE QUALITY

In an effort to improve vehicle for hire services and regulations, specific requirements and standards will be required for all new and existing companies. The requirements will be different for new companies opposed to existing companies.

Minimum requirements will be established for all **NEW** vehicle for hire companies in order to prevent an excessive number of companies and vehicles. The new standards will be put in place to improve safety (i.e. age of vehicle) and service quality (i.e. credit card) for all companies, as well as for drivers.

SIDE BY SIDE COMPARISONS BETWEEN PBIA – RFP & CONSUMER AFFAIRS VFH ORDINANCE

PBIA REQUIREMENTS

Vehicle Age

Not older than five (5) years

Insurance

Business Auto Liability not less than \$500,000 each occurrence for all owned, non-owned and hired autos

Note: The current concessionaire maintains one insurance policy for all company vehicles assigned to its fleet.

Dress Code

A dress code or uniform is required for all employees. Neat and clean appearance. Black or dark gray pants, collared shirt with sleeves and pockets, necktie, socks and black shoes. Females shall dress in a similar manner and may wear black or gray knee length skirts

VFH ORDINANCE REQUIREMENTS

Vehicle Age

Not older than ten(10) years

Insurance

\$300,000/\$125,000/\$50,000 or CSL \$300,000 is required

Dress Code

No dress code requirement. Drivers must be hygienically clean, well groomed and neat.

PROPOSED CHANGES

Vehicle Age

Maintain current VFH Ordinance requirement
Not older than ten(10) years, and bi-annual inspection required after seven (7) years or 500,000 miles (whichever is first)

Insurance

Maintain current VFH Ordinance requirement of \$300,000/\$125,000/\$50,000 or CSL \$300,000 is required

Dress Code – Effective June 1, 2013

Drivers must be hygienically clean, well groomed, and. Neat. Collared shirt, long trousers or knee length skirt, and closed shoes shall be required.

SIDE BY SIDE COMPARISONS BETWEEN PBIA – RFP & CONSUMER AFFAIRS VFH ORDINANCE

2016

PBIA REQUIREMENTS

Methods of Payment Acceptance

All vehicles shall be equipped with an on-board device accepting payment by a direct swipe of the customer's credit card without "calling in" with the customer's credit card information, and without additional charge or premium. Drivers are required to accept Visa, Discover, MasterCard and American Express.

Fleet Size Requirement

Sufficient inventory of vehicles to satisfy the requirements of the PBIA RFP. Inventory must indicate whether the vehicles are owned or leased.

Base of Operation or Commercial Business Location

A Kiosk is maintained at PBIA, and company is required to maintain a commercial business in the County

24-Hour Dispatch

Required for all modes of transportation

Accommodation of Handicapped

Company shall have sufficient number of vehicles available to satisfy the demand. Vehicle(s) must comply with ADA and the rates and fees shall not differ from the rates for non-disabled passengers.

VFH ORDINANCE REQUIREMENTS

Methods of Payment Acceptance

No requirements

Fleet Size Requirement

No requirements

Base of Operation or Commercial Business Location

Each VFH business in PBC must maintain a commercial business office or residential home office in the county.

24-Hour Dispatch

No requirements

Accommodation of Handicapped

No requirements

PROPOSED CHANGES

Methods of Payment Acceptance Effective June 1, 2013

All Taxi companies will be required to accept payment from passengers in the following forms:

Bank debit/credit card
Cash

Fleet Size Requirement Effective June 1, 2013

All NEW Taxi, Sedan/SUV, and Van Shuttle companies will be required to have a minimum of seven (7) vehicles

All NEW Limousine and Non-emergency transportation companies will be required to have a minimum of two (2) vehicles

All NEW Vehicle for Hire Companies must have a business location in PBC

Accommodation of Handicapped

Any new or existing taxi or van/shuttle company with twenty (20) or more vehicles shall have at least one (1) handicapped vehicle available, and the company shall not differ from the rates for non-disabled passengers.

Effective date June 1, 2013 for NEW
Effective date June 1, 2018 for EXISTING

COMPARISON OF INSURANCE REQUIREMENTS

CURRENT VEHICLE FOR HIRE ORDINANCE REQUIREMENTS FOR TAXIS, SEDANS/SUV'S, LIMOUSINES, VANS/SHUTTLES AND NON-MEDICAL

**\$300,000/\$125,000/\$50,000
or a \$300,000 Combined
Single Limit (CSL)**

PBIA –RFP REQUIREMENTS

**Business Auto Liability not
less than \$500,000 each
occurrence for all owned, non-
owned and hired autos**

**Note: The current
concessionaire maintains one
insurance policy for all
company vehicles assigned to
its fleet.**

STAFF AND VEHICLE FOR HIRE INDUSTRY RECOMMENDATION

**Maintain the current
VFH Ordinance
requirements**

**\$300,000/\$125,000/\$50,
000 or a \$300,000
Combined Single Limit
(CSL)**



ESTIMATED IMPACT IF INSURANCE IS INCREASED FROM \$300,000 TO \$500,000

Taxis

The average cost to insure a taxi under the current requirement (split - \$300,000/\$125,000/\$50,000) is approximately **\$3400 - \$3800** per year (\$283-\$316 per month). The average cost for a taxi under the \$300,000 combined single limit is about \$4000 per year (\$333 per month). The insurance rates vary (higher or lower) based on the number of incidents, clean record, number of years insured, and number of vehicles. **An increase of taxi liability to a \$500,000 combined single limit (CSL) would cost approximately \$5000 per year (\$417 per month) or about \$1200-\$1600 more per year (\$100 -\$133 per month) per taxi.**

Note: Collier County (Naples and Ft. Meyer) established the taxi insurance requirement at \$300,000/\$125,000/**\$100,000 (property damage)**

Sedans/SUV's and Limousines

Most insurance companies do not split the insurance coverage for sedans, SUV's and limousines. The coverage is usually a CSL (\$300,000, \$500,000 or 1 million). The new norm for the limousine industry is 1 million CSL, and 1 million CSL is recommended for any vehicle for hire (limo, SUV, van/shuttle) capable of transporting more than seven (7) passengers, including the driver.

Note: Orange and Hillsborough County have already established the 1 million CSL requirements for seven or more passenger vehicles

The average cost to insure a sedan/SUV or limo with a CSL of \$300,000 is approximately \$2200+ per year and it increase to about \$2400+ for \$500,000 CSL and \$2700+ for 1 million CSL. This average cost does not include a 3 to 3 ½ percent additional costs that is added for comprehensive and collision (comp/collision) to fully protect the vehicle against collision and other damages.

The comp/collision rate is mainly based on the value of the vehicle. For example: a \$43,000 Lincoln Town car rate may increase up to \$1500 per year and a \$75,000 Mercedes-Benz rate could increase as much as \$2600 per year when the comp and collision is added. Insurance companies may also offer discounts of 20% to 40% to companies based on a clean record (3 years or more) and the number of vehicles in the company's fleet

The insurance limits are considerable higher for sedans/suv's and limousines,; however, the cost of the insurance is lower. An increase of sedan/SUV liability to \$500,000 would cost about the same as or possibly lower than the current taxi requirement (\$300/\$125/50).

Note: The insurance rates noted above are approximate/average estimates. Rates may vary (higher or lower) based on company/driver history, length of time insured, number of vehicles insured, etc.

COUNTY COMPARISON OF INSURANCE AND AGE OF VEHICLES

BROWARD COUNTY REQUIREMENTS		
TYPE OF COMPANY	INSURANCE	VEHICLE AGE LIMIT
TAXI	\$300,000/\$125,00/\$50,000	<u>All Categories</u> None – vehicles 6 years or older require bi-annual inspection
SEDAN	\$300,000/\$125,00/\$50,000	
LIMOUSINE	\$500,000 CSL	
VAN/SHUTTLE	\$500,000 CSL	
Non-Medical	\$300,000 CSL	Not regulated

MIAMI-DADE REQUIREMENTS		
TYPE OF COMPANY	INSURANCE	VEHICLE AGE LIMIT
TAXI	\$300,000/\$125,00/\$50,000	Not more than five (5) model years old
SEDAN	\$300,000/\$125,00/\$50,000	4
LIMOUSINE	\$300,000/\$125,00/\$50,000	Not more than two (2) model years old
VAN/SHUTTLE	\$300,000/\$125,00/\$50,000	Not more than 15 years
Non-Medical	\$300,000/\$125,00/\$50,000	Not more than 15 years

COUNTY COMPARISON OF INSURANCE AND AGE OF VEHICLES

ORANGE COUNTY (CITY OF ORLANDO)

TYPE OF COMPANY	INSURANCE	VEHICLE AGE LIMIT
TAXI	Six (6) or fewer passengers \$300,000/\$125,000/\$50,000 or \$300,000 CSL Seven or more passengers \$1,000,000 CSL	None
SEDAN		
LIMOUSINE		
VAN/SHUTTLE		
Non-Medical		

HILLSBOROUGH COUNTY

TYPE OF COMPANY	INSURANCE	VEHICLE AGE LIMIT
TAXI	Six (6) or fewer passengers \$300,000/\$125,000/\$50,000 or \$300,000 CSL Seven or more passengers \$1,000,000 CSL	<u>All Categories</u> Vehicle cannot be used after 10 years
SEDAN		
LIMOUSINE		
VAN/SHUTTLE		
Non-Medical		

COUNTY COMPARISON OF INSURANCE AND AGE OF VEHICLES

LEON COUNTY (CITY OF TALLAHASSEE)

TYPE OF COMPANY	INSURANCE	VEHICLE AGE LIMIT
TAXI	Vehicles shall meet the requirements of F.S. 324-031 \$125,000/\$250,000/\$50,000 or \$300,000 combined single limit	
SEDAN		
LIMOUSINE		
VAN/SHUTTLE		
Non-Medical		

TYPE OF COMPANY	INSURANCE	VEHICLE AGE LIMIT
TAXI	\$125,000/\$250,000/\$50,000 or \$300,000 combined single limit	
SEDAN		
LIMOUSINE	\$500,000/\$1,000,000/\$100,000 or \$1,000,000 combined single limit	
VAN/SHUTTLE	\$125,000/\$250,000/\$50,000 or \$300,000 combined single limit	
Non-Medical		



SUMMARY

From a public safety perspective, the expanded and more precise requirements will enhance vehicle safety, customer service, and the image of the vehicle for hire industry. All of the minimum standards address the current issues in the vehicle for hire industry, and the companies will have sufficient time (5 years) to prepare and meet the requirements.

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43, AMENDED BY ORDINANCE NO. 2011-007, AMENDED BY ORDINANCE NO. 2011-032, AMENDED BY ORDINANCE NO. 2011-040, AMENDED BY ORDINANCE NO. 2012-009, AND AMENDED BY ORDINANCE NO. 2013-003); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-218 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS); AMENDING SECTION 19-221 (VEHICLE DECAL REQUIREMENTS); AMENDING SECTION 19-226 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); AMENDING SECTION 19-235 (START-UP); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes

WHEREAS, the Board of County Commissioners of Palm Beach County finds

WHEREAS, Palm Beach County licenses and regulates taxicabs, limousines,

WHEREAS, on May 25, 2011, the Board of County Commissioners voted to

WHEREAS, during the moratorium period staff reviewed the industry practices.

1 considered various options to improve the quality and expand services offered, and
2 develop methods to increase the safety of vehicles operating in Palm Beach County; and

3 **WHEREAS**, the moratorium is due to expire on June 1, 2013, or at such time as
4 the Board of County Commissioners enacts a resolution terminating the moratorium; and

5 **WHEREAS**, it is now necessary to amend Chapter 19, Article IX of the Palm
6 Beach County Code to standardize and enhance the vehicle for hire transportation
7 industry.

8 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
9 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

10 **Section 1. Definitions.**

11 Section 19-213 of Chapter 19, Article IX of the Palm Beach County Code shall be
12 amended so that the definition of the word "broker" will be deleted in its entirety and any
13 reference to "broker" will be deleted from the ordinance, as follows:

14 ~~Broker. The term "broker" shall mean a person who acts as an agent, whether~~
15 ~~independently or on behalf of, any vehicle for hire company in negotiating or contracting~~
16 ~~for passenger transportation.~~

17 * * *

18 *Vehicle for hire and/or vehicle for hire company.* The terms "vehicle for hire" and/or
19 "vehicle for hire company" shall mean any individual, partnership, association,
20 corporation, ~~broker~~ or other legal entity which holds business permits for or contracts
21 with any motorized, self-propelled vehicle(s) engaged in the transportation of persons
22 upon the streets of Palm Beach County who receive any compensation or salary for
23 providing such transportation. The term shall not be construed to exclude any person
24 owning, controlling, operating, or managing any type of motor vehicle used in the
25 business of transportation of persons for compensation. The term shall include, but not be
26 limited to non-medical wheelchair and stretcher transportation services, taxicabs,
27 transport vans/shuttles, sedans, SUVs, limousines, and the use of personal vehicle(s),
28 regardless of who owns said personal vehicle(s) engaged in the transportation of persons.
29 The term shall not apply to vehicles, companies and organizations identified in section
30 19-214 of this Code.

31 **Section 2. Compliance with article required.**

32 Section 19-214 of Chapter 19, Article IX of the Palm Beach County Code shall be
33 amended to read as follows:

34 * * *

- 1 (d) A "Vehicle for Hire Company" must notify the Division in writing within 30
2 days of the date that any of its drivers are convicted of a criminal offense
3 (misdemeanor or felony crime), including all traffic offenses involving a driving
4 under the influence charge, a controlled substance charge, or a driver license
5 suspension/revocation charge.
- 6 (e) A "Vehicle for Hire Company" shall be responsible for its drivers' compliance
7 with all of the regulations required by this Ordinance.

8 **Section 3. Business permit application.**

9 Section 19-218 of Chapter 19, Article IX of the Palm Beach County Code is amended to
10 read as follows:

- 11 (a) ~~An individual, or a vehicle for hire company or broker,~~ not exempt pursuant to
12 section 19-214 shall make application to the division for a business permit. It is
13 a violation of this article to operate such companies without first securing a
14 business permit from the division. A business permit shall be issued annually
15 only after acceptance by the division of the following:
- 16 (1) Its legal, trade, corporate and/or fictitious name;
- 17 (2) Its local or Florida business address (mail centers or P.O. box addresses
18 are not acceptable);
- 19 (3) List of all business principals (i.e., owner, officers, partners, etc.) names,
20 addresses, dates of birth and Florida driver's license number. If applicable,
21 the name and address of the registered agent shall be provided.
- 22 (4) The number, make, model, year of manufacture and specific coloring
23 scheme of each vehicle for hire for which a business permit is sought;
- 24 (5) The vehicle identification number and license tag number of each vehicle;
- 25 (6) A clear and legible copy of each vehicle's State of Florida registration
26 form;
- 27 (7) The name and vehicle for hire driver's I.D. badge number;
- 28 (8) Appropriate certificates, permits, local business tax receipts, (specifically
29 for vehicle for hire) and other authorization issued by the county and any
30 municipality if applicable;
- 31 (9) The original signed copy of the vehicle inspection form for each vehicle
32 being assigned a decal; and
- 33 (10) Payment of all business permit and vehicle decal fees in amounts set forth
34 by resolution of the board.
- 35 (b) No person maintaining, owning, or operating a vehicle for hire company shall
36 suffer or permit any person or employee to drive a vehicle for hire unless such
37 person has a valid vehicle for hire driver's I.D. badge issued pursuant to this
38 article.

(c) Each business permit issued pursuant to this section shall be valid and effective for one (1) year, terminating on ~~May 1~~ April 30 of each year.

(1) Failure to submit a business permit application and the required non-refundable fee for renewal by ~~September 30~~ March 1 of each year will result in the assessment of a non-refundable late fee. The late fee shall be established by resolution of the board.

(2) Upon submission of a new business permit application and all required documents, the division shall provide the business with a receipt which shall constitute a provisional business permit and shall be valid until the issuance or denial of the business permit, whichever comes first.

(3) Businesses which fail to submit a complete application/renewal application within thirty (30) calendar days after the business' receipt of the division's notice of an incomplete application, shall be denied a business permit. Within ten (10) business days of receipt of the division's notice of denial, such businesses may refile a complete and corrected application and pay a non-refundable re-filing fee established by resolution of the board. Failure to refile an application within this ten-day period, will result in the business being required to submit a new application and paying the non-refundable business permit fee and vehicle decal fees.

(4) The DCA may deny or revoke a business permit if it is determined that the applicant has misrepresented, omitted, concealed a fact on any application or submitted any fraudulent or false document. If denied or revoked, said business permit shall not be issued or reinstated for a period of one year from the date of denial or revocation.

(5) No permit shall be valid for any Vehicle for Hire Company under any other name or at any place other than that designated in the permit.

(6) If the business transfers, sells, changes or modifies its name or ownership structure, the business shall be required to notify the division of consumer affairs within forty-five (45) days of said change, and a new business permit application shall be submitted. All business permit fees and administrative processing fees approved by the board by resolution shall be assessed by the division. If the transfer, sale, change or modification changes the ownership structure by more than fifty-one (51) percent, it will be considered a new company, and new business requirements and fees established by the board by resolution shall apply. The adoption of a moratorium shall not preclude companies with existing business permits from the transfer, sale or change of ownership to a new business.

~~(d) Upon application and throughout the licensing year, a vehicle for hire company operating as a "broker" must submit to the division a complete written listing of each vehicle for hire company for which the company is conducting brokering~~

activities. If a vehicle for hire company is added or deleted, the broker must submit an updated listing in writing to the DCA within five (5) business days of the addition or deletion. Brokers shall only conduct business with vehicle for hire companies legally permitted to operate in the county.

(de) Any change in the information submitted pursuant to paragraph (a) above shall be provided to the division within twenty (20) calendar days of said change. Failure to provide such notice may result in the suspension or revocation of the company's business permit.

(ef) All vehicle for hire business permits which are not renewed, shall automatically expire upon the expiration date as stated on the permit and the company shall cease all vehicle for hire services immediately.

(fg) All vehicle for hire business must maintain a written/electronic manifest or trip log for each pickup/drop off of any passenger. The manifest shall be in the possession of the vehicle for hire driver and business central dispatch and shall include but not be limited to, the business name, the name of the driver and the driver's I.D. badge number, the county vehicle for hire permit number (VFH#), the decal number of the vehicle providing the service, the name, address and telephone number of the passenger, the date, time and location where the service begins and ends, and the total charges and method of payment for the service provided. In addition, each original manifest, invoice, or dispatch record shall be available for inspection and a copy provided upon demand by law enforcement officers, by personnel authorized by the division to perform enforcement duties or to the passenger.

(gh) The DCA may deny or refuse to renew the business permit of any vehicle for hire business based upon the determination that:

(1) Any director, officer, owner or general partner was associated with another vehicle for hire business whose permit was denied or revoked.

(2) An individual/business, or any of its directors, officers, owners or general partners has not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by DCA;

(3) Any individual/business, or any of its directors, officers, owners or general partners has had any unsatisfied civil penalties, judgments or administrative orders entered against it, him or her in any action brought by the DCA, or any government agency, under the requirements of this article or a similar ordinance;

(4) Any individual/business, or any of its directors, officers, owners or general partners has failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of voluntary compliance, or any other lawful order of the director, the DCA or the consumer affairs hearing board/special master.

(h) Each vehicle for hire business operating in the county must secure a business operating permit and maintain a commercial business office or residential home office in the county. Each vehicle for hire company must place the actual written permit issued by the DCA in a location clearly visible to the public. There are only two (2) exceptions to maintaining a commercial business office or residential home office in the county:

(1) The vehicle for hire business may operate from Broward County, Miami-Dade County or any another Florida county/municipality where that jurisdiction licenses and regulates vehicle for hire companies and that business and all vehicles are licensed/decals to operate by that county/municipality and secures a vehicle for hire operating permit and vehicle decals from the county.

(2) The vehicle for hire business may operate from another county if no vehicle for hire license regulations exists in the other county and that business secures a vehicle for hire operating permit and decals from the county. Vehicle for hire companies with existing operating permits and decals from the county shall be exempt from this subsection.

(i) A vehicle for hire company shall sign an affidavit attesting that each driver is eligible to be insured by the company's commercial automobile liability insurer and is in fact insured.

(j) The company is required to notify the division, in writing, immediately but no later than ten (10) business days from the date that a driver is no longer insured by the vehicle for hire company's commercial automobile liability insurer.

(k) For vehicles owned by the business, it shall be the responsibility of the business to remove and surrender to the division all decals issued for vehicles which are no longer operating for that business. The business must also remove all vehicle signage and top lights within ten (10) business days following the removal of a vehicle from service or termination of employment/contract with the business.

(l) Failure to comply with the provisions of this section may result in denial of a permit(s), revocation or suspension of the permit(s), a denial of renewal of such permit(s), issuance of a civil citation, a misdemeanor conviction or other such remedies available to the division by law.

Section 4. Vehicle requirements.

Section 19-220 (b) and (c) of Chapter 19, Article IX of the Palm Beach County Code are amended to read as follows:

* * *

~~(b) It shall be a violation of this article to fail to meet the requirements of vehicles described in section 19-213: Limousines; non-medical, wheelchair and stretcher~~

1 ~~transportation services; SUVs; sedans; taxicabs; and transport vans/shuttles.~~ Fleet
2 Requirements.

3 (1) All new Taxicab companies submitting an application for a business permit
4 pursuant to section 19-218 on or after June 1, 2013, shall have a minimum of seven (7)
5 vehicles in its fleet.

6 (2) All new Sedan/SUV companies submitting an application for a business permit
7 pursuant to section 19-218 on or after June 1, 2013, shall have a minimum of seven (7)
8 vehicles in its fleet.

9 (3) All new Van/Shuttle companies submitting an application for a business permit
10 pursuant to section 19-218 on or after June 1, 2013, shall have a minimum of seven (7)
11 vehicles in its fleet.

12 (4) All new Limousine companies submitting an application for a business permit
13 pursuant to section 19-218 on or after June 1, 2013, shall have a minimum of two (2)
14 vehicles in its fleet.

15 (5) All new Non-medical wheelchair and stretcher transportation service companies
16 submitting an application for a business permit pursuant to section 19-218 on or after
17 June 1, 2013, shall have a minimum of two (2) vehicles in its fleet.

18 (6) Beginning on June 1, 2013, any new taxicab or van/shuttle companies with twenty
19 (20) or more vehicle, shall have at least one handicap accessible vehicle available, and
20 the rates and fees shall not differ from the rates for non-disabled passengers. Beginning
21 on June 1, 2018, this requirement will be effective for all existing taxicab and van/shuttle
22 companies.

23 (c) Taxicabs.

24 * * *

25 (9) Beginning on June 1, 2013, all new Taxicab companies licensed in Palm
26 Beach County will be required to accept as a method of payment for the fare (in addition
27 to cash or other forms of payment acceptable to the company), a bank debit card or credit
28 card, including, but not limited to, Mastercard, Visa, and Discover, without additional
29 charge or premium.

30 **Section 5. Vehicle decal requirements.**

31 Section 19-221 (b) of Chapter 19, Article IX of the Palm Beach County Code is amended
32 to read as follows:

33 (b) Each vehicle decal issued pursuant to this section shall be valid and effective for one
34 (1) year, terminating on ~~December 31~~ April 30 of each year.

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Section 19-226 (c) of Chapter 19, Article IX of the Palm Beach County Code is amended to read as follows:

* * *

(c) Beginning on June 1, 2013, every certificate of insurance issued for a vehicle(s) that is registered with the division, must be issued under the name of the licensed Vehicle for Hire Company. Each certificate of insurance shall be submitted to the division directly from the insurer or a duly authorized agent and shall include a list of drivers approved by the insurance company for operation of any vehicle for hire and a list of insured vehicles. The business must provide the division with an updated complete list of approved drivers as changes are made throughout the licensing year, but no later than thirty (30) business days after a change has been made. The list of drivers must be provided to the DCA on a document directly from the insurance company/agent. For vehicles not owned by the business, each driver must be listed as "insured" on the insurance policy. It is a violation of this article to fail to abide by these requirements.

Section 7. Driver requirements; failure to comply.

Section 19-227 (a) (4), (c), (d) and (k) of Chapter 19, Article IX of the Palm Beach County Code is amended to read as follows:

(a) It shall be unlawful for any person to operate any vehicle for hire within and upon the streets of the county without a county vehicle for hire driver's identification badge (driver's I.D. badge) issued by the division. All applicants for a vehicle for hire driver's I.D. badge shall conform to the following:

(c) Each driver's I.D. badge shall be developed by the division. Each driver's I.D. badge shall, at a minimum, contain the name of the driver, date of expiration, photo of the driver, name of the company(s), and such additional terms, conditions, provisions and limitations as were imposed during the approval process. Drivers are required to submit a notarized affidavit signed by each permitted vehicle for hire company with whom s/he is driving. The affidavit (on a form prepared by the division) shall also include a statement by the business owner that the driver is eligible to be insured under the company's insurance policy. When a driver is no longer driving for a vehicle for hire company, the driver is required to notify the division within ten (10) business days. Failure to follow these requirements shall be a violation of this article.

(d) The division may issue a replacement I.D. badge to any driver upon application, payment of a nonrefundable replacement fee, presentation of proof or a sworn affidavit that the I.D. badge has been lost, stolen, change of company, or for any

1 other valid reason, and any other documentation or requirement requested by the
2 division. The replacement fee shall be established by resolution of the board.

3
4 * * *

5 (4) Not have more than three (3) or more separate incidents involving moving
6 violations in any twelve (12) month period in the previous three (3) years
7 prior to the initial application or renewal of a Driver's I.D. Badge in which
8 the applicant plead guilty or was found guilty or Not-have accumulated
9 more than twelve (12) points within a twelve-month period, eighteen (18)
10 points within an eighteen-month period, or twenty-four (24) points within
11 a thirty-six-month period for driving infractions;

12
13 * * *

14 (k) Beginning on June 1, 2013, in addition to maintaining hygienically clean, well
15 groomed and neat appearance, drivers must wear a collared shirt, long pants or a knee
16 length skirt, and closed shoes.

17
18 **Section 8. Start-up.**

19 Section 19-235 of Chapter 19, Article IX of the Palm Beach County Code is amended to
20 read as follows:

21 * * *

22 (e) Beginning on June 1, 2016, all existng Taxicab companies licensed in Palm
23 Beach County will be required to accept as a method of payment for the fare (in addition
24 to cash or other forms of payment acceptable to the company), a bank debit card or credit
25 card, including, but not limited to, Mastercard, Visa, and Discover, without additional
26 charge or premium.

27 (f) Beginning on June 1, 2018, any new taxicab or van/shuttle companies with twenty
28 (20) or more vehicle, shall have at least one handicap accessible vehicle available, and
29 the rates and fees shall not differ from the rates for non-disabled passengers

30
31 **Section 9. Repeal of laws in conflict.**

32 All local laws and ordinances applying to the unincorporated area of Palm Beach County

1 in conflict with any provision of this article are hereby repealed to the extent of any
2 conflict.

3 **Section 10. Savings clause.**

4 Notwithstanding Section 9 of this Ordinance regarding repeal of laws in conflict, all
5 administrative and court orders, fines, and pending enforcement issued pursuant to this
6 authority and procedures established by Chapter 19, Article IX of the Palm Beach County
7 Code Chapter 19, Article IX as set forth and amended by Ordinance No. 2001-15, 2008-
8 43, 2011-007, 2011-032, and 2011-040, shall remain in full force and effect.

9 **Section 11. Severability.**

10 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
11 reason held by the Court to be unconstitutional, inoperative or void, it is the intent of the
12 Board of County Commissioners that such holding shall not affect the remainder of this
13 Ordinance.

14 **Section 12. Inclusion in the code of laws and ordinances.**

15 The provisions of this Ordinance shall become and be made a part of the code of laws
16 and ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
17 renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed
18 to "section," "article," or any other appropriate word.

19 **Section 13. Captions.**

20 The captions, section headings, and section designations used in this Ordinance are for
21 convenience only and shall have no effect on the interpretation of the provisions of this
22 Ordinance.

23 **Section 14. Effective Date**

24 The provisions of this Ordinance shall become effective upon filing with the Department
25 of State.

26 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
27 County, Florida, on this the _____ day of _____, 2013.

28
29
30 SHARON R. BOCK,
31 CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

1
2 By _____
3 Deputy Clerk

By: _____
Steven L. Abrams, Mayor

4
5
6 APPROVED AS TO FORM AND
7 LEGAL SUFFICIENCY

8
9
10 By: _____
11 County Attorney

12
13
14 Filed with the Department of State on the _____ day of _____, 2013.

ORDINANCE NO. 2013

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43, AMENDED BY ORDINANCE NO. 2011-007, AMENDED BY ORDINANCE NO. 2011-032, AMENDED BY ORDINANCE NO. 2011-040, AMENDED BY ORDINANCE NO. 2012-009, AND AMENDED BY ORDINANCE NO. 2013-003); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-218 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS); AMENDING SECTION 19-221 (VEHICLE DECAL REQUIREMENTS); AMENDING SECTION 19-226 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); AMENDING SECTION 19-235 (START-UP); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting such business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of the existing and future residents requires the regulation and control of motor vehicles engaged in the transportation of persons, within the streets of Palm Beach County, with the intent to receive compensation; and

WHEREAS, Palm Beach County licenses and regulates taxicabs, limousines, sedans, vans, minibuses, SUVs for hire, non-medical transport vehicles for hire that operate in the unincorporated and incorporated areas of the County; and

WHEREAS, on May 25, 2011, the Board of County Commissioners voted to impose a moratorium on the acceptance of applications for, and the issuance of, Vehicle for Hire business permits to new companies providing transportation services to residents and visitors in Palm Beach County; and

WHEREAS, during the moratorium period staff reviewed the industry practices,

1 considered various options to improve the quality and expand services offered, and
2 develop methods to increase the safety of vehicles operating in Palm Beach County; and

3 **WHEREAS**, the moratorium is due to expire on June 1, 2013, or at such time as
4 the Board of County Commissioners enacts a resolution terminating the moratorium; and

5 **WHEREAS**, it is now necessary to amend Chapter 19, Article IX of the Palm
6 Beach County Code to standardize and enhance the vehicle for hire transportation
7 industry.

8 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
9 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

10 **Section 1. Definitions.**

11 Section 19-213 of Chapter 19, Article IX of the Palm Beach County Code shall be
12 amended so that the definition of the word "broker" will be deleted in its entirety and any
13 reference to "broker" will be deleted from the ordinance, as follows:

14
15 * * *

16 *Vehicle for hire and/or vehicle for hire company.* The terms "vehicle for hire" and/or
17 "vehicle for hire company" shall mean any individual, partnership, association,
18 corporation, or other legal entity which holds business permits for or contracts with any
19 motorized, self-propelled vehicle(s) engaged in the transportation of persons upon the
20 streets of Palm Beach County who receive any compensation or salary for providing such
21 transportation. The term shall not be construed to exclude any person owning,
22 controlling, operating, or managing any type of motor vehicle used in the business of
23 transportation of persons for compensation. The term shall include, but not be limited to
24 non-medical wheelchair and stretcher transportation services, taxicabs, transport
25 vans/shuttles, sedans, SUVs, limousines, and the use of personal vehicle(s), regardless of
26 who owns said personal vehicle(s) engaged in the transportation of persons. The term
27 shall not apply to vehicles, companies and organizations identified in section 19-214 of
28 this Code.

29 **Section 2. Compliance with article required.**

30 Section 19-214 of Chapter 19, Article IX of the Palm Beach County Code shall be
31 amended to read as follows:

32 * * *

33 (d) A "Vehicle for Hire Company" must notify the Division in writing within 30
34 days of the date that any of its drivers are convicted of a criminal offense
35 (misdemeanor or felony crime), including all traffic offenses involving a driving

1 under the influence charge, a controlled substance charge, or a driver license
2 suspension/revocation charge.

- 3 (e) A "Vehicle for Hire Company" shall be responsible for its drivers' compliance
4 with all of the regulations required by this Ordinance.

5 **Section 3. Business permit application.**

6 Section 19-218 of Chapter 19, Article IX of the Palm Beach County Code is amended to
7 read as follows:

- 8 (a) An individual or a vehicle for hire company not exempt pursuant to section 19-
9 214 shall make application to the division for a business permit. It is a violation
10 of this article to operate such companies without first securing a business permit
11 from the division. A business permit shall be issued annually only after
12 acceptance by the division of the following:

- 13 (1) Its legal, trade, corporate and/or fictitious name;
14 (2) Its local or Florida business address (mail centers or P.O. box addresses
15 are not acceptable);
16 (3) List of all business principals (i.e., owner, officers, partners, etc.) names,
17 addresses, dates of birth and Florida driver's license number. If applicable,
18 the name and address of the registered agent shall be provided.
19 (4) The number, make, model, year of manufacture and specific coloring
20 scheme of each vehicle for hire for which a business permit is sought;
21 (5) The vehicle identification number and license tag number of each vehicle;
22 (6) A clear and legible copy of each vehicle's State of Florida registration
23 form;
24 (7) The name and vehicle for hire driver's I.D. badge number;
25 (8) Appropriate certificates, permits, local business tax receipts, (specifically
26 for vehicle for hire) and other authorization issued by the county and any
27 municipality if applicable;
28 (9) The original signed copy of the vehicle inspection form for each vehicle
29 being assigned a decal; and
30 (10) Payment of all business permit and vehicle decal fees in amounts set forth
31 by resolution of the board.

- 32 (b) No person maintaining, owning, or operating a vehicle for hire company shall
33 suffer or permit any person or employee to drive a vehicle for hire unless such
34 person has a valid vehicle for hire driver's I.D. badge issued pursuant to this
35 article.

- 36 (c) Each business permit issued pursuant to this section shall be valid and effective
37 for one (1) year, terminating on April 30 of each year.

1 (1) Failure to submit a business permit application and the required non-
2 refundable fee for renewal by March 1 of each year will result in the assessment
3 of a non-refundable late fee. The late fee shall be established by resolution of the
4 board.

5 (2) Upon submission of a new business permit application and all required
6 documents, the division shall provide the business with a receipt which shall
7 constitute a provisional business permit and shall be valid until the issuance or
8 denial of the business permit, whichever comes first.

9 (3) Businesses which fail to submit a complete application/renewal
10 application within thirty (30) calendar days after the business' receipt of the
11 division's notice of an incomplete application, shall be denied a business permit.
12 Within ten (10) business days of receipt of the division's notice of denial, such
13 businesses may refile a complete and corrected application and pay a non-
14 refundable re-filing fee established by resolution of the board. Failure to refile an
15 application within this ten-day period, will result in the business being required to
16 submit a new application and paying the non-refundable business permit fee and
17 vehicle decal fees.

18 (4) The DCA may deny or revoke a business permit if it is determined that the
19 applicant has misrepresented, omitted, concealed a fact on any application or
20 submitted any fraudulent or false document. If denied or revoked, said business
21 permit shall not be issued or reinstated for a period of one year from the date of
22 denial or revocation.

23 (5) No permit shall be valid for any Vehicle for Hire Company under any
24 other name or at any place other than that designated in the permit.

25 (6) If the business transfers, sells, changes or modifies its name or ownership
26 structure, the business shall be required to notify the division of consumer affairs
27 within forty-five (45) days of said change, and a new business permit application
28 shall be submitted. All business permit fees and administrative processing fees
29 approved by the board by resolution shall be assessed by the division. If the
30 transfer, sale, change or modification changes the ownership structure by more
31 than fifty-one (51) percent, it will be considered a new company, and new
32 business requirements and fees established by the board by resolution shall apply.
33 The adoption of a moratorium shall not preclude companies with existing
34 business permits from the transfer, sale or change of ownership to a new business.

35
36 (d) Any change in the information submitted pursuant to paragraph (a) above shall be
37 provided to the division within twenty (20) calendar days of said change. Failure
38 to provide such notice may result in the suspension or revocation of the
39 company's business permit.

- (e) All vehicle for hire business permits which are not renewed, shall automatically expire upon the expiration date as stated on the permit and the company shall cease all vehicle for hire services immediately.
- (f) All vehicle for hire business must maintain a written/electronic manifest or trip log for each pickup/drop off of any passenger. The manifest shall be in the possession of the vehicle for hire driver and business central dispatch and shall include but not be limited to, the business name, the name of the driver and the driver's I.D. badge number, the county vehicle for hire permit number (VFH#), the decal number of the vehicle providing the service, the name, address and telephone number of the passenger, the date, time and location where the service begins and ends, and the total charges and method of payment for the service provided. In addition, each original manifest, invoice, or dispatch record shall be available for inspection and a copy provided upon demand by law enforcement officers, by personnel authorized by the division to perform enforcement duties or to the passenger.
- (g) The DCA may deny or refuse to renew the business permit of any vehicle for hire business based upon the determination that:
- (1) Any director, officer, owner or general partner was associated with another vehicle for hire business whose permit was denied or revoked.
 - (2) An individual/business, or any of its directors, officers, owners or general partners has not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by DCA;
 - (3) Any individual/business, or any of its directors, officers, owners or general partners has had any unsatisfied civil penalties, judgments or administrative orders entered against it, him or her in any action brought by the DCA, or any government agency, under the requirements of this article or a similar ordinance;
 - (4) Any individual/business, or any of its directors, officers, owners or general partners has failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of voluntary compliance, or any other lawful order of the director, the DCA or the consumer affairs hearing board/special master.
- (h) Each vehicle for hire business operating in the county must secure a business operating permit and maintain a commercial business office or residential home office in the county. Each vehicle for hire company must place the actual written permit issued by the DCA in a location clearly visible to the public. There are only two (2) exceptions to maintaining a commercial business office or residential home office in the county:
- (1) The vehicle for hire business may operate from Broward County, Miami-Dade County or any another Florida county/municipality where that jurisdiction licenses and regulates vehicle for hire companies and that business and all vehicles are licensed/decaled to operate by that county/municipality and secures a vehicle for hire operating permit and vehicle decals from the county.

1 (2) The vehicle for hire business may operate from another county if no vehicle for
2 hire license regulations exists in the other county and that business secures a vehicle
3 for hire operating permit and decals from the county. Vehicle for hire companies with
4 existing operating permits and decals from the county shall be exempt from this
5 subsection.

6 (i) A vehicle for hire company shall sign an affidavit attesting that each driver is
7 eligible to be insured by the company's commercial automobile liability insurer and is in
8 fact insured.

9 (j) The company is required to notify the division, in writing, immediately but no later
10 than ten (10) business days from the date that a driver is no longer insured by the vehicle
11 for hire company's commercial automobile liability insurer.

12 (k) For vehicles owned by the business, it shall be the responsibility of the business to
13 remove and surrender to the division all decals issued for vehicles which are no longer
14 operating for that business. The business must also remove all vehicle signage and top
15 lights within ten (10) business days following the removal of a vehicle from service or
16 termination of employment/contract with the business.

17 (l) Failure to comply with the provisions of this section may result in denial of a
18 permit(s), revocation or suspension of the permit(s), a denial of renewal of such
19 permit(s), issuance of a civil citation, a misdemeanor conviction or other such remedies
20 available to the division by law.

21 **Section 4. Vehicle requirements.**

22 Section 19-220 (b) and (c) of Chapter 19, Article IX of the Palm Beach County Code are
23 amended to read as follows:

24 * * *

25 (b) Fleet Requirements.

26 (1) All new Taxicab companies submitting an application for a business permit
27 pursuant to section 19-218 on or after June 1, 2013, shall have a minimum of seven (7)
28 vehicles in its fleet.

29 (2) All new Sedan/SUV companies submitting an application for a business permit
30 pursuant to section 19-218 on or after June 1, 2013, shall have a minimum of seven (7)
31 vehicles in its fleet.

32 (3) All new Van/Shuttle companies submitting an application for a business permit
33 pursuant to section 19-218 on or after June 1, 2013, shall have a minimum of seven (7)
34 vehicles in its fleet.

1 (4) All new Limousine companies submitting an application for a business permit
2 pursuant to section 19-218 on or after June 1, 2013, shall have a minimum of two (2)
3 vehicles in its fleet.

4 (5) All new Non-medical wheelchair and stretcher transportation service companies
5 submitting an application for a business permit pursuant to section 19-218 on or after
6 June 1, 2013, shall have a minimum of two (2) vehicles in its fleet.

7 (6) Beginning on June 1, 2013, any new taxicab or van/shuttle companies with twenty
8 (20) or more vehicle, shall have at least one handicap accessible vehicle available, and
9 the rates and fees shall not differ from the rates for non-disabled passengers. Beginning
10 on June 1, 2018, this requirement will be effective for all existing taxicab and van/shuttle
11 companies.

12 (c) Taxicabs.

13 * * *

14 (9) Beginning on June 1, 2013, all new Taxicab companies licensed in Palm
15 Beach County will be required to accept as a method of payment for the fare (in addition
16 to cash or other forms of payment acceptable to the company), a bank debit card or credit
17 card, including, but not limited to, Mastercard, Visa, and Discover, without additional
18 charge or premium.

19 **Section 5. Vehicle decal requirements.**

20 Section 19-221 (b) of Chapter 19, Article IX of the Palm Beach County Code is amended
21 to read as follows:

22 (b) Each vehicle decal issued pursuant to this section shall be valid and effective for one
23 (1) year, terminating on April 30 of each year.

24 **Section 6. Commercial automobile liability insurance.**

25 Section 19-226 (c) of Chapter 19, Article IX of the Palm Beach County Code is amended
26 to read as follows:

27 * * *

28 (c) Beginning on June 1, 2013, every certificate of insurance issued for a vehicle(s)
29 that is registered with the division, must be issued under the name of the licensed Vehicle
30 for Hire Company. Each certificate of insurance shall be submitted to the division
31 directly from the insurer or a duly authorized agent and shall include a list of drivers
32 approved by the insurance company for operation of any vehicle for hire and a list of
33 insured vehicles. The business must provide the division with an updated complete list of
34 approved drivers as changes are made throughout the licensing year, but no later than

thirty (30) business days after a change has been made. The list of drivers must be provided to the DCA on a document directly from the insurance company/agent. For vehicles not owned by the business, each driver must be listed as "insured" on the insurance policy. It is a violation of this article to fail to abide by these requirements.

Section 7. Driver requirements; failure to comply.

Section 19-227 (a) (4), (c), (d) and (k) of Chapter 19, Article IX of the Palm Beach County Code is amended to read as follows:

(a) It shall be unlawful for any person to operate any vehicle for hire within and upon the streets of the county without a county vehicle for hire driver's identification badge (driver's I.D. badge) issued by the division. All applicants for a vehicle for hire driver's I.D. badge shall conform to the following:

(c) Each driver's I.D. badge shall be developed by the division. Each driver's I.D. badge shall, at a minimum, contain the name of the driver, date of expiration, photo of the driver, name of the company(s), and such additional terms, conditions, provisions and limitations as were imposed during the approval process. Drivers are required to submit a notarized affidavit signed by each permitted vehicle for hire company with whom s/he is driving. The affidavit (on a form prepared by the division) shall also include a statement by the business owner that the driver is eligible to be insured under the company's insurance policy. When a driver is no longer driving for a vehicle for hire company, the driver is required to notify the division within ten (10) business days. Failure to follow these requirements shall be a violation of this article.

(d) The division may issue a replacement I.D. badge to any driver upon application, payment of a nonrefundable replacement fee, presentation of proof or a sworn affidavit that the I.D. badge has been lost, stolen, change of company, or for any other valid reason, and any other documentation or requirement requested by the division. The replacement fee shall be established by resolution of the board.

* * *

(4) Not have more than three (3) or more separate incidents involving moving violations in any twelve (12) month period in the previous three (3) years prior to the initial application or renewal of a Driver's I.D. Badge in which the applicant plead guilty or was found guilty or have accumulated more than twelve (12) points within a twelve-month period, eighteen (18) points within an eighteen-month period, or twenty-four (24) points within a thirty-six-month period for driving infractions;

1 * * *

2 (k) Beginning on June 1, 2013, in addition to maintaining hygienically clean, well
3 groomed and neat appearance, drivers must wear a collared shirt, long pants or a knee
4 length skirt, and closed shoes.

5
6 **Section 8. Start-up.**

7 Section 19-235 of Chapter 19, Article IX of the Palm Beach County Code is amended to
8 read as follows:

9 * * *

10 (e) Beginning on June 1, 2016, all existing Taxicab companies licensed in Palm
11 Beach County will be required to accept as a method of payment for the fare (in addition
12 to cash or other forms of payment acceptable to the company), a bank debit card or credit
13 card, including, but not limited to, Mastercard, Visa, and Discover, without additional
14 charge or premium.

15 (f) Beginning on June 1, 2018, any new taxicab or van/shuttle companies with twenty
16 (20) or more vehicle, shall have at least one handicap accessible vehicle available, and
17 the rates and fees shall not differ from the rates for non-disabled passengers

18
19 **Section 9. Repeal of laws in conflict.**

20 All local laws and ordinances applying to the unincorporated area of Palm Beach County
21 in conflict with any provision of this article are hereby repealed to the extent of any
22 conflict.

23 **Section 10. Savings clause.**

24 Notwithstanding Section 9 of this Ordinance regarding repeal of laws in conflict, all
25 administrative and court orders, fines, and pending enforcement issued pursuant to this
26 authority and procedures established by Chapter 19, Article IX of the Palm Beach County
27 Code Chapter 19, Article IX as set forth and amended by Ordinance No. 2001-15, 2008-
28 43, 2011-007, 2011-032, and 2011-040, shall remain in full force and effect.

29 **Section 11. Severability.**

30 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any

1 reason held by the Court to be unconstitutional, inoperative or void, it is the intent of the
2 Board of County Commissioners that such holding shall not affect the remainder of this
3 Ordinance.

4 **Section 12. Inclusion in the code of laws and ordinances.**

5 The provisions of this Ordinance shall become and be made a part of the code of laws
6 and ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
7 renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed
8 to "section," "article," or any other appropriate word.

9 **Section 13. Captions.**

10 The captions, section headings, and section designations used in this Ordinance are for
11 convenience only and shall have no effect on the interpretation of the provisions of this
12 Ordinance.

13 **Section 14. Effective Date**

14 The provisions of this Ordinance shall become effective upon filing with the Department
15 of State.

16 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
17 County, Florida, on this the _____ day of _____, 2013.

18
19
20 SHARON R. BOCK,
21 CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

22
23
24 By _____
25 Deputy Clerk

By: _____
Steven L. Abrams, Mayor

26
27
28 APPROVED AS TO FORM AND
29 LEGAL SUFFICIENCY

30
31
32 By: _____
33 County Attorney

34
35
36 Filed with the Department of State on the _____ day of _____, 2013.